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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/382,458	08/25/1999	YOSHIHIRO WATANABE	21.1918	5255
21171	7590	06/26/2006		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER ABELSON, RONALD B	
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/382,458

Applicant(s)

WATANABE, YOSHIHIRO

Examiner

Ronald Abelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,7,9-17 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,4,7,9-16 and 20-22 is/are allowed.
- 6) ☒ Claim(s) 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Objections

1. Claim 7 objected to because of the following informalities:
In line 14, "the following" should be changed to "a following".
Appropriate correction is required.

2. Claim 15 objected to because of the following
informalities: In line 11, "the following" should be changed to
"a following". Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which
forms the basis for all obviousness rejections set forth in this
Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 17 rejected under 35 U.S.C. 103(a) as being
unpatentable over Applicant's Admitted Prior Art 'AAPA' in view
of Gilbert (US 6,005,847) and McClure (US 5,867,663).

Regarding claim 17, AAPA teaches a subscriber terminal
(fig. 1 box 31) in network which is provided a service via a

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switching system (fig. 1 box 33) using multiple paths from a service provider (fig. 1 box 35).

AAPA teaches a path selecting device to select an unconnected path to provide a requested service (switching system secures the bandwidth, pg. 2 line 20 - pg. 3 line 2).

AAPA teaches a message transmitting device to transmit a request message to set the path selected by the path selecting device to the switching system (SETUP message, pg. 2 line 20 - pg. 3 line 2).

AAPA teaches a received message processing device to determine whether there are any remaining paths which have to be set (Next, ... switching system secures bandwidth for voice channels, pg. 3 line 7, Next, ... switching system secures bandwidth for image channels, pg. 3 lines 11-12).

Although AAPA teaches an unconnected path (image, voice, pg. 2 lines 9-11) having a bandwidth which is largest the among paths requesting service (image channel, pg. 2 lines 9-11), AAPA is silent on first selecting an unconnected path having a bandwidth which is largest among paths to provide a requested service and selecting a path which has the largest bandwidth among the remaining paths to provide the service when there is any path which has to be set.

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Gilbert teaches prioritizing paths with the largest bandwidth / real-time video over paths with smaller bandwidths / voice (fig. 1, col. 2 lines 60-65). The examiner corresponds the applicant's image channels with the reference's real-time video.

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of AAPA by prioritizing the image channels over the voice channels. This modification can be performed in software. This modification would benefit the system by ensuring that real-time video is transmitted in a timely manner.

Although the combination teaches the prioritization of the larger bandwidth connections, the combination does not explicitly teach selecting an unconnected path of the highest priority / largest bandwidth first and selecting a path which has the highest priority / largest bandwidth among the remaining paths to provide the service when there is any path which has to be set.

McClure teaches selecting an unconnected path of the highest priority first and selecting a path which has the highest priority among the remaining paths to provide the service when there is any path which has to be set (col. 9 lines 44-46).

Therefore it would have been obvious to one of ordinary skill in the art, to modify the system of the combination of AAPA and Gilbert by only selecting a voice channel after all image channels have been selected. This modification can be performed in software. This modification would benefit the system by ensuring that real-time video is transmitted in a timely manner.

Response to Arguments

5. Applicant's arguments with respect to claim 17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (571) 272-3165. The examiner can normally be reached on M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ronald Abelson
Examiner
Art Unit 2616



CHI PHAM
SUPERVISORY PATENT EXAMINER 6/22/08